

Introduced by Senator Aanestad
(Coauthors: Senators Ashburn, Cogdill, Cox, Dutton, and Runner)
(Coauthors: Assembly Members Gaines, Logue, and Nielsen)

January 21, 2010

An act to add Section 5653.2 to the Fish and Game Code, relating to fish and wildlife, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 889, as introduced, Aanestad. Vacuum or suction dredge equipment: permits: refund.

Existing law prohibits the use of any vacuum or suction dredge equipment by any person in any river, stream, or lake of this state without a permit issued by the Department of Fish and Game. Existing law designates the issuance of permits to operate vacuum or suction dredge equipment to be a project under the California Environmental Quality Act (CEQA), and suspends the issuance of permits, and mining pursuant to a permit, until the department has completed an environmental impact report for the project as ordered by the court in a specified court action. Existing law prohibits the use of any vacuum or suction dredge equipment in any river, stream, or lake, for instream mining purposes, until the Director of Fish and Game certifies to the Secretary of State that (1) the department has completed the environmental review of its existing vacuum or suction dredge equipment regulations as ordered by the court, (2) the department has transmitted for filing with the Secretary of State a certified copy of new regulations, as necessary, and (3) the new regulations are operative.

This bill would require the department, upon request, to refund the amount of the permit fee paid in 2009 by a person issued a vacuum or suction dredge equipment permit and subject to the latter prohibition.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5653.2 is added to the Fish and Game
2 Code, to read:

3 5653.2. Upon request, the department shall refund the amount
4 of the permit fee paid in 2009 by a person issued a permit for the
5 use of vacuum or suction dredge equipment pursuant to Section
6 5653 and subject to the prohibition imposed in Section 5653.1.

7 SEC. 2. This act is an urgency statute necessary for the
8 immediate preservation of the public peace, health, or safety within
9 the meaning of Article IV of the Constitution and shall go into
10 immediate effect. The facts constituting the necessity are:

11 In order to allow the Department of Fish and Game, as soon as
12 possible, to refund the fees paid in 2009 by instream miners for
13 vacuum or suction dredge permits rendered unusable by Section
14 5653.1, it is necessary for this act to take effect immediately.